

Remarks

The Office mailed the present Official Action on January 26, 2005. The applicants have requested an extension of time to reply to this Official Action, and have paid the requisite fees to extend the period to time to respond to June 26, 2005. The application, as filed included 20 claims and the Office has rejected each of these claims. The applicants submit that they have addressed each and every issue raised by the Office and that the claims are in condition for allowance.

Rejections Under 35 U.S.C § 101

The Office has rejected claims 1-11 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The applicants offer amendments to overcome these rejections. The applicants express their appreciation to Examiner Bashore for providing a suggested amendment to overcome this rejection. Such practice is applauded and is certainly in line with the Office's mission statement of ensuring that the Intellectual Property system contributes to a strong global economy, encourages investment in innovation, and fosters entrepreneurial spirit.

Rejections Under 35 U.S.C § 103

The Office has rejected claims 1-8, 10-11 and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,247,032 issued June 12, 2001 to Bernardo et al. (*Bernardo*). The Office's comments with regards to *Bernardo* and the comparison with the claimed invention have been carefully reviewed. Again, the applicants wish to express their thanks to Examiner Bashore for the thoroughness of his description and comparison. Typically, Office Actions simply recite the claim elements and include indexes to the cited art without a presentment of a clear position, argument or analytical comparison. It is the applicant's opinion that such activity does not provide a true examination of the claims. However, with the current Office Action, the applicants are able to understand and appreciate the Examiner's basis of rejection.

In responding to the Office Action, the applicants first wish to clarify the use of the words "persists" and "persisting" as used within the claims. Referring to page 7, line 24 through page 8, line 11, at least a portion of the terms definition is found. Content records are presented to an automated workflow manager that directs the content record through a workflow process by comparing the content to a series of business logic rules. If a content record does not conform to the business rule, then a work task may be created. The work task can be a manual activity or a persisted activity. In its most general meaning, persisted activities are those that are performed by a system. The persisted activities may be recorded and played back manual activities. Thus, referring to persisted activities is defined as instructions, programs, steps or codes that enable the automated workflow management system to replay or repeat the manual activity.

The applicants respectfully submit that the Office has not established a prima facie case of obviousness as required in MPEP § 702.06(j). This assertion is based on the following observations.

(1) There is no suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art to modify the reference, to attain the claimed invention. Claim 1 recites selectively determining whether a manual activity associated with the specific record is to be persisted and selectively persisting the manual activity in the event that the manual activity is to be persisted. This activity includes adding a persisted activity record to a persisted activity database.

(2) The prior art reference does not describe, suggest or teach all of the claim limitations. The element of selectively determining whether a manual activity associated with the specific record is to be persisted and then selectively persisting the manual activity are not described, suggested or taught in the *Bernardo*.

In regard to claim 1, more specifically, the recited invention is directed towards persisting, or automating within a system, a manual activity that is typically performed by a user of a workflow system. The manual activity is a work step performable by a user and associated with a specific record. Further, the claim recites *selectively* determining whether the manual activity associated with the specific record is to be persisted. This can be accomplished in a

variety of manners as disclosed in the specification. For instance, in claim 3 the determination is made when the record does not satisfy certain business rules. Next, the claim recites persisting the record, or stated otherwise, automatically performing what could normally be a manual process, and then storing the persisted record into a persisted database.

The Office has stated that the creation and manual approval process of web site content as described in *Bernardo* renders this invention as obvious. However, upon a careful review of *Bernardo*, we have not uncovered a description of a manual activity that is selectively performed by an automated process on a content record. *Bernardo* does teach automatically populating template profile fields of a web site content template with collected data (see column 7 lines 36-46) and executing an automated approval process for the content (see column 8, lines 50-59 and column 10, lines 48-67). However, neither of these elements, the combination of these elements, or the application of these elements can render the present invention as obvious.

Populating template profile fields with collected data is the automation of a manual process, but it does not reach the level of selectively determining whether a manual activity associated with a specific record is to be performed. It is a process that is automatically performed without any selectivity based on the specific record content whatsoever. In addition, the automated approval process is a fully manual process. The only automated feature of this process is the feature of tracking the approval. Any changes or edits to the web site content are performed manually by a user. In fact, embodiments of the present invention could be incorporated into the system described in *Bernardo* to help alleviate the manual activity of the various users. Such application is exactly what the present invention anticipates. However, *Bernardo* does not offer any information that would render the present invention obvious.

Thus, the applicants respectfully submit that claim 1 as presented herein is allowable and requests the Office's approval.

In regards to dependent claims 2 and 3, the Office has rejected these claims stating that they incorporate substantially similar subject matter as claim 1 and is rejected along the same rational. The applicant submits that claim 1, as shown above, is allowable and thus, dependent claims 2 and 3 are also allowable. In addition, claim 2 recites selectively determining whether to perform a manual action or to perform a persisted action. The cited reference describes performing a manual operation (the users reviewing and modifying the content) and an

automated process (tracking the changes and loading default values) but the cited reference does not describe the selective determination of the present invention, nor the persisting of the present invention. Further, the cited reference does not describe, nor would it be obvious to modify the description, to display a specific record if the record does not conform to a business logic rule. The cited reference displays the web content to all persons on the list to review. Thus, the applicant further submits that claims 2 and 3 are allowable over the cited reference.

In regards to dependent claims 5-8, these claims all depend directly or indirectly from allowable claim 1, and thus are also allowable. However, the specific comments from the Office are also addressed in this section. In general, the Office appears to be equating the automated approval process with the persisting of the present invention. It should be noted that as recited in claim 1, the persisting includes a work step performed by the user and associated with a specific record. This is a process that actually modifies the content record. To ensure that this is clearly articulated, the applicant has amended claim 1 to include the language that the persisting performs a modification to the content record. The automated approval process in *Bernardo* does not automatically modify a specific content record, it simply keeps track of manual modifications to web content. Thus, the applicants submit that claims 5-9 are also allowable.

In regards to claims 10-11 and 20, similar to the arguments presented above, these claims are also allowable.

The Office has rejected claims 9 and 12-19 under 35 U.S.C. § 103(a) as being unpatentable over *Bernardo* in view of U.S. Patent No. 6,330,542 issued on December 2001 to Sevcik (*Sevcik*). *Sevcik* describes an online ordering system in which a user can select items and then is prompted to provide additional information. The recited claims are directed towards automating a manual process to be performed on specific content records. The arguments presented above apply to these claims, with the added limitation that the specific content records are portions of a catalog database. *Sevcik* and *Sevcik* combined with *Bernardo* would not render the inventions recited in these claims as obvious. The only automated process described in *Bernardo* is limited to tracking changes to web content that have been manual entered by

reviewers. *Sevcik* does not describe any automated process related to the content records, but rather, simply collects input from a user and generates a quote. Therefore, it would not be reasonable to combine *Bernardo* and *Sevcik* for any reason, let alone to render the present invention as obvious.

Thus, the applicants respectfully submit that claims 9, and 12-19 are in condition for allowance.

Conclusion

Applicant respectfully submits that the currently pending claims are in condition for allowance and respectfully requests that the case be processed to issuance. The cited references do not describe, suggest or teach, and by combining the references, one is not able to create the invention of selectively persisting, or automatically performing a manual activity on specific content records to modify the records. If the Office has any questions or if there are any actions that can be handled through an Examiner's Amendment, the applicant requests the Office to contact the attorney of record using the below-provided contact information.

Respectfully submitted,

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Please forward this to the appropriate clerk at the USPTO.

Please change the docket number on the following case to 06002.1020

Serial Number 10/053,175

Filed November 13, 2001

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